



CORPORATE BUILDING  
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## Fax Cover Sheet

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**DATE:** November 5, 2004

**TO:** Commissioner for Patents

**FAX:** (703) 872-9306

**FROM:** Eric W. Cernvar, Reg. No. 45,919

**PHONE:** (210) 863-0063

**Number of pages including cover sheet:** 10

**Re:** App. No. 09/544,399  
Inventor: Johnson, Royce  
Filed: April 6, 2000  
Group Art Unit: 3761  
Examiner: Bogart, Michael G.  
Docket No.: VAC.561.US

**Enclosed please find:**

- (1) Response to 9-14-2004 Office Action
- (2) Transmittal Form;
- (3) Fee Transmittal Form (in duplicate).

**CERTIFICATE OF TRANSMISSION**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being facsimile transmitted to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Nov 5, 2004 Cherie B. Ridout

Date

Cherie Ridout

**Mailing:**  
P.O. Box 659508  
San Antonio, Texas 78265-9508  
1-800-531-5369/Fax 210-255-4450

**Corporate:**  
8023 Vantage Drive  
San Antonio, Texas 78230-4726  
(210) 524-9000

**Manufacturing:**  
4938 Stout Drive  
San Antonio, Texas 78219-4334  
(210) 662-0215

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0831-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/544,389
	Filing Date	April 6, 2000
	First Named Inventor	Johnson
	Art Unit	3761
	Examiner Name	Bogart
Total Number of Pages In This Submission	Attorney Docket Number	VAC-561.US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Kinetic Concepts, Inc.	
Signature	<i>Eric W. Cernyar</i>	
Printed name	Eric W. Cernyar	
Date	Nov. 5, 2004	Reg. No. 45,919

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	<i>Eric W. Cernyar</i>
Typed or printed name	Eric W. Cernyar
Date	Nov. 5, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-04v2)

Approved for use through 07/31/2008, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 352**Complete if Known**

Application Number	09/544,399
Filing Date	April 6, 2000
First Named Inventor	Johnson, Royce
Examiner Name	Bogart, Michael G.
Art Unit	3761
Attorney Docket No.	VAC.561.US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number: 500-326

Deposit Account Name: Kinetic Concepts, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	

**SUBTOTAL (1) (\$)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	7	-20** = 4	X 88 = 352
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 352

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity, Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 680	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.128(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.128(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)****SUBMITTED BY**

Name (Print Type)	Eric W. Cernyar	Registration No. (Attorney/Agent)	45,919	Telephone	2108630063
Signature	<i>Eric W. Cernyar</i>	Date	11-5-2004		

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PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0651-0082  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$) 352

**Complete if Known**

Application Number	09/544,399
Filing Date	April 6, 2000
First Named Inventor	Johnson, Royce
Examiner Name	Bogart, Michael G.
Art Unit	3781
Attorney Docket No.	VAC.561.US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

500-326

Kinetic Concepts, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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1005 180	2005 80	Provisional filing fee	

**SUBTOTAL (1)**

(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
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Multiple Dependent			

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**SUBTOTAL (2)**

(\$) 352

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**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity / Small Entity

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1453 1,370	2453 685	Petition to revive - unintentional	
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1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$)

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Eric W. Camyar	Registration No.	45,919	Telephone	2108630063
Signature	<i>Eric W. Camyar</i>	Date	11-5-2004		

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RECEIVED No. 4710 P. 5  
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NOV 05 2004 **PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

App. No. : 09/544,399 Confirmation No. 8788  
Inventor : JOHNSON, Royce  
Filed : April 6, 2000  
Group Art Unit : 3761  
Examiner : BOGART, Michael G.  
  
Docket No. : VAC.561.US  
Customer No. : 30159  
  
Title : VACUUM ASSISTED CLOSURE PAD WITH ADAPTATION  
FOR PHOTOTHERAPY

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

37 C.F.R. § 1.8

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Nov. 5, 2004  
Date

Cherie Ridout  
Cherie Ridout

**AMENDMENT D**

**Response to Office Action Dated 9-14-2004**

Dear Sir or Madam:

In response to the Office action of September 14, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.